



Docket No.: 50323-017

PATENT

Comment:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Uri TASCH, et al.

Serial No.: 09/827,311

Group Art Unit: 3736

Filed: April 06, 2001

Examiner: B.S. Szmal

For: METHOD AND APPARATUS FOR DETECTING LAMENESS IN ANIMALS

RULE 1.132 DECLARATION OF MARK VARNER

Commissioner for Patents
Washington, DC 20231

Sir:

I, Mark Varner, declare and say as follows:

1. I received my Ph.D. in Physiology from North Carolina State University in May of 1982. I am presently a Professor in the Department of Animal and Avian Sciences at the University of Maryland in College Park, and have been a Professor since 1997. Previously, I was an Associate Professor in the Department of Animal Sciences at the University of Maryland in College Park from 1988 - 1997. My research has focused, in recent years, on the development of technology that detects lameness of various four legged animals, but has not been exclusively limited thereto.

2. I am a named co-inventor on the above-identified application. I have read, and am familiar with the pending Office Action in the above-identified application, with the response filed herewith, and make this Declaration in support of the patentability thereof.

3. The cited reference to **Rajkondawar** is a publication by Parimal Rajkondawar, a graduate student advised by Uri Tasch during his doctoral studies at the University of Maryland, Baltimore County.

4. Parimal Rajkondawar in no way contributed to the inventive steps leading to the invention of the subject matter that is now the subject of U.S. Application No. 09/827,311. Instead, Parimal Rajkondawar made valued contributions to the implementation and testing of the invention developed by myself, Uri Tasch, Alan M. Lefcourt, and Benny Erez under the direction, supervision, and instruction of Uri Tasch.

5. Parimal Rajkondawar published the cited information on or about March 23, 2001, following the filing of the pending U.S. Provisional Patent Application No. 60/201,823, filed on May 30, 2000 to highlight his educational background and experience and, preferably solicit and obtain suitable employment upon completion of his doctoral studies in May of 2003.

6. The information published by Parimal Rajkondawar and cited by the Examiner did not reflect the inventive work of Parimal Rajkondawar, but of myself, Uri Tasch, Alan Lefcourt, and Benny Erez.

7. The information published by Parimal Rajkondawar and cited by the Examiner was, in fact, published on or about March 23, 2001, which is after the May 30, 2000, filing date of U.S. Provisional Patent Application No. 60/207,823.

8. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Dated: 2/25/03

A handwritten signature in cursive script, appearing to read "Mark Varner", written over a horizontal line.

Mark Varner
Professor